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Austin man sentenced to 60 years in prison in Continuous Sexual Abuse of a Child Case

A Travis County jury convicted Eleazar Davila Huerta, age 27, this week for repeatedly sexually abusing two sisters who were each 7-years-old when the abuse started and ages 11 and 9 when the abuse stopped with the defendant's arrest. The defendant was the boyfriend of the girls' mother and the abuse occurred in several different locations over a period of years. The children eventually told their biological father about the abuse and described numerous acts of sexual assault with disturbing details. They also disclosed that the defendant had threatened them with violence against their siblings and mother if they ever told or did not do what he wanted sexually. After his arrest, the defendant began contacting the victims' mother on jail calls, using other inmate's accounts in an effort to conceal the calls. During these conversations, the defendant continuously told the girls' mother not to show up for court and not to bring the victims to testify at his trial. He also directed her not to return any calls from the police or the District Attorney's Office and not to bring the victims to a medical exam. Despite being served with a subpoena to appear in court with the victims, the mother did not show up and did not bring the victims to court. The State proceeded to trial without the victims and introduced prior statements and interviews of the victims taken at the Center for Child Protection, which detailed the abuse. The State was able to introduce the statements without having the victims in court under a legal theory known as *Forfeiture by Wrongdoing* in which a defendant forfeits his right to confront and cross-examine witnesses if he does or says something that prevents their presence in court.

The defendant was found guilty by the jury of Continuous Sexual Abuse of a Young Child for both victims and Judge Cliff Brown sentenced him to 60 years to run concurrently. The law requires the sentence to be served day for day with no eligibility for parole.

Assistant District Attorney Amber Platt praised the jury for the verdict stating, "Hearing the details of the abuse in this case was incredibly difficult on its own. Then we asked this jury to reach a verdict on very serious charges without the ability to see the victims in person. We are grateful for each of those jurors for standing up for these children and for hearing their voices even when they were silenced by the defendant."

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